

HOUSE BILL 860
By Sharp

AN ACT to amend Tennessee Code Annotated, Title 66,
Chapter 14 and Title 66, Chapter 19, relative to
garagekeeper's liens.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 66-19-103(a)(1), is amended by
adding the following language as a new subdivision:

(C)

(i) When a motor vehicle is brought to a motor vehicle repair facility for service, repair or maintenance, the Tennessee department of safety, application for certificate of title and registration, if the car is registered in Tennessee, or if the car is registered in any other state, the equivalent tag and title registration document issued by the state where the car is registered, must be presented to the repair facility by the consumer bringing the motor vehicle in for servicing, repair or maintenance. If the name of a lienholder is listed on such certificate:

(1) The motor vehicle repair facility shall either take a photo copy of such certificate or make a notation on its work order of the name and address of the lienholder; and

(2) Notwithstanding the provisions of § 47-18-104(28)(C), unless the consumer who brought the motor vehicle in for servicing, repair or maintenance picks the motor vehicle up on the day the repair facility notifies the consumer that work has been completed on the motor vehicle, the motor vehicle repair facility shall retain any parts which were removed

from the motor vehicle and replaced during the process of repair and hold such parts for the purposes and period of time required pursuant to (ii).

The motor vehicle repair facility shall take no further action with respect to such work order if such certificate is not presented to the motor vehicle repair facility in accordance with this act.

(ii) If the consumer fails to return to the motor vehicle repair facility to claim the vehicle and pay for the service, repair or maintenance on the vehicle within ten (10) days following notification by the repair facility that the work on the vehicle has been completed, the motor vehicle repair facility shall, on the next business day, notify the lienholder of record of such circumstances. If the lienholder claims the motor vehicle from the motor vehicle repair facility in accordance with provisions of law authorizing such action, at the request of the lienholder, the repair facility shall return the parts required to be held pursuant to (i) to the lienholder or show proof to the lienholder that the part or parts were exchanged in accordance with normal business and trade practices. Provided that such motor vehicle repair facility shall not be required to retain such parts for a period longer than thirty (30) days from the date the work was completed.

(iii) The provisions of this subdivision (C) shall not apply to the service department of the dealership which sold the motor vehicle to the consumer who is requesting the service, repair or maintenance of the motor vehicle as long as such motor vehicle is covered under a factory or extended warranty.

SECTION 2. Tennessee Code Annotated, Section 66-19-103(a)(4), is amended by adding the following language at the end of the subdivision:

As used in this subdivision, the term “garagekeeper” includes a motor vehicle repair facility.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.